

Remarks

Status of the Claims

Claims 1-37 were pending in the application. All claims were rejected in the Office Action mailed February 7, 2007. By this paper, claims 1, 11, 15, and 35 have been amended, claims 3-9, 12, 21-34, 38, and 39 have been canceled, and claims 40-43 have been added. Reconsideration of all pending claims herein is respectfully requested.

Section 101 Rejection

Claims 28-34 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. To advance prosecution of the application, Applicants have canceled claims 28-34.

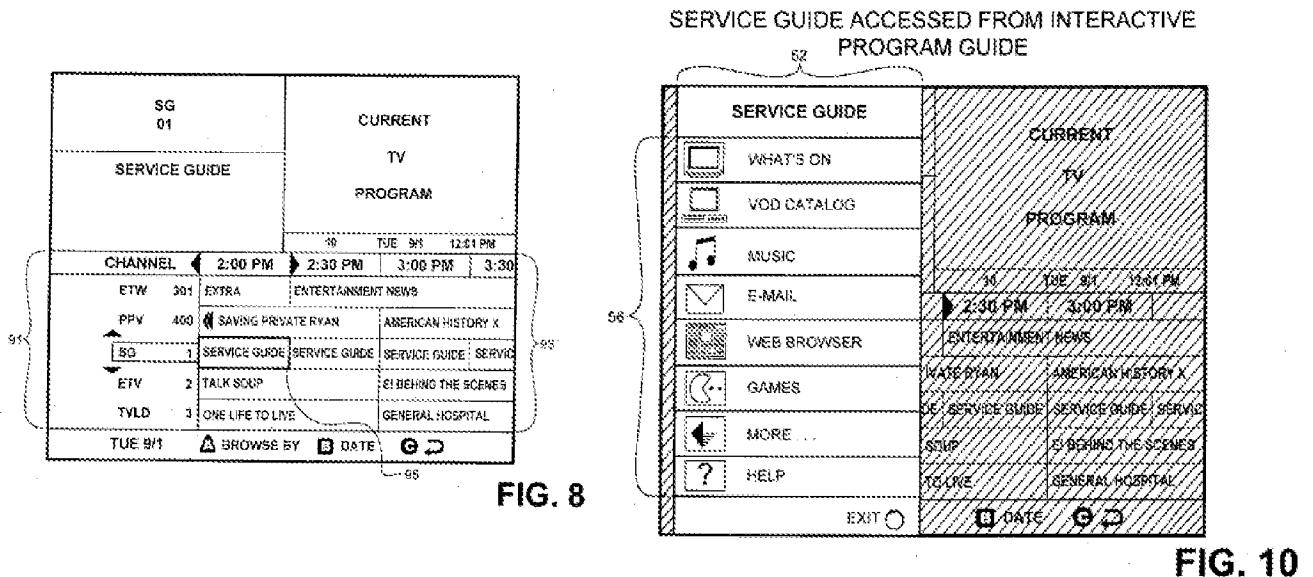
Section 103 Rejections

Claims 1-37 were rejected in view of various combinations of LaJoie, Zustak, Grooters, Macrae, Jerding, Knudson, and Klosterman. Claim 1, 11, and 35 have been variously amended to include the limitations of claims 3 and 6, *e.g.*, the interactive element associated with a synthetic channel in the electronic program guide comprises an event calendar application.

With regard to former claim 6 (now canceled), the Examiner agreed that LaJoie and Zustak, as well as LaJoie and Grooters, were silent on the use of an event calendar. However, the addition of Jerding does not cure the deficiencies of LaJoie, Zustak, and Grooters.

The portion of Jerding referred to by the Examiner (paragraph 27) merely states that “DRAM 32 [of a set top box] could also contain a calendar application (not shown).” However, Applicants are not attempting to claim the ability to run a calendar application on a set top box. Rather, Applicants are claiming the ability to include a synthetic channel in an EPG, which allows a user to access an event calendar application by selecting a corresponding channel number.

Jerding teaches a completely different way of accessing applications, *i.e.*, via a separate service guide. For instance, FIG. 8 illustrates the service guide displayed in a sub-window above the EPG. Similarly, FIG. 8 illustrates the service guide displayed in a context menu displayed over the EPG. Nothing in Jerding, however, suggests that a user may access an event calendar application from the EPG, itself, much less by selecting a particular channel number. Thus, Jerding actually teaches away from the claimed method of selecting an event calendar application.



While it is true that Zustak and Grooster teach the inclusion of a synthetic channel in an EPG for displaying web content (see, *e.g.*, Grooster's FIG. 4), this is

still another form of “broadcast content” similar to what is normally included in an EPG. For instance, Grooster allows the user to watch on channel “901” a live broadcast of the space shuttle launch via an HTTP site. Similarly, Zustak allows the user to view web sites on channels 1000, 1001, and 1002. This is not at all the same thing as running a non-traditional application program unrelated to the standard EPG function, such as an event calendar application, from an EPG. Normally, when browsing through an EPG, a user expects to see various content channels. It would be unexpected for the user to find one of the channels in the EPG corresponding to a separate event calendar application.

While LaJoie does refer to “other” services being associated with channel 16 in a channel table (not an EPG), LaJoie does not disclose or suggest an event calendar application. Furthermore, as previously argued by the Applicants, LaJoie merely discloses a channel table. LaJoie does not disclose or suggest displaying an electronic program guide (EPG) including the recited synthetic channels.

Thus, even if the references were combined, the asserted combination does not include displaying a synthetic channel in an EPG corresponding to an event calendar application (claim 1), and allowing the user to access the event calendar application by its “channel number” using a remote control (claim 2).

New claims 40 and 42 are essentially versions of canceled claims 21 and 27 rewritten in independent form. For example, claim 40 recites that the interactive content element comprises a system administration page to allow a user to administer a set top box (STB). As described in pages 10, 12, and 13 of the

specification, a synthetic channel in an EPG may allow the user to administer certain STB settings, such as setting the clock (as recited in new claims 41 and 43).

The Examiner argued that canceled claim 27, which recited that the interactive content comprised system pages which allowed the viewer to administer a viewing environment via the client terminal, did not add a limitation. See Office Action at page 29. This was because, the Examiner asserted, that claim 27 depended from claim 24, and claim 24 recited in the alternative three different types of content, *i.e.*, functional channels, content channels, or system channels, and the Examiner had already addressed claim 24 with respect to the functional channels.

Applicants disagree with this reasoning because claim 27 selected one of the types of content, *i.e.*, system channels, which the Examiner did not address, and then further limited that selection to recite that the system pages allowed the viewer to administer a viewing environment via the client terminal. Because these limitations were apparently not addressed in the prior Office Action, Applicants respectfully request that the Examiner give them due consideration.

Applicants respectfully submit that none of the cited references teach or suggest that selecting a synthetic channel from an EPG may allow a user to administer a set top box, and be able to change, for example, the date associated with the set top box. The cited references are completely silent about the use of synthetic channels for administering set top box settings. A person of ordinary skill in the art would be surprised to find channels in the EPG devoted to system administration, since those settings are normally accessed via a separate settings menu within a set top box. At the very least, a person of ordinary skill in the art

would be surprised to be able to set the time for the STB by selecting a channel from an EPG.

A rejection based on prior art – whether grounded in anticipation or obviousness – must account for each and every claim limitation. *Celeritas Techs. Inc. v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1360, 47 U.S.P.Q.2d 1516, 1522 (Fed. Cir. 1998) (anticipation); *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q.2d 494, 496 (CCPA 1970) (obviousness); MPEP § 2143.03 (“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.”) (emphasis added). Because the cited references, either alone or in combination, do not disclose accessing an event calendar application or a systems administration page for a set top box, Applicants respectfully submit that a *prima facie* case of obviousness cannot be established with the art of record.

Conclusion

In view of the foregoing, the Applicants respectfully submit that all pending claims herein are in condition for allowance. Early allowance of all pending claims is respectfully requested. If the Examiner finds any remaining impediment to the prompt allowance of all claims, the Applicants respectfully request that the Examiner call the undersigned at the telephone number provided below.

Respectfully submitted,

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